

SCHEDULE C
Income, Loans, & Business
Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700 FAIR POLITICAL PRACTICES COMMISSION Name _____

► **1. INCOME RECEIVED**

NAME OF SOURCE OF INCOME

The Robert Meyer Corporation
ADDRESS 660 Newport Center Dr.

San Jose, CA
BUSINESS ACTIVITY, IF ANY, OF SOURCE

Hotel Developer
YOUR BUSINESS POSITION

President

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000 ☒ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income

☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

► **1. INCOME RECEIVED**

NAME OF SOURCE OF INCOME

Huntington Beach Marketing & Systems
ADDRESS 351 Main St.

Huntington Beach, CA
BUSINESS ACTIVITY, IF ANY, OF SOURCE

Marketing Huntington Beach
YOUR BUSINESS POSITION

President/CEO

GROSS INCOME RECEIVED

- ☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income

☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

► **2. LOANS RECEIVED OR OUTSTANDING DURING THE REPORTING PERIOD**

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER*

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000
☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000
☐ OVER \$100,000

INTEREST RATE

_____% ☐ None

TERM (Months/Years)

SECURITY FOR LOAN

☐ None ☐ Personal residence

☐ Real Property _____
Street address

City

☐ Guarantor _____

☐ Other _____
(Describe)

Comments: _____

ATTACHMENT NO. 14.23

SCHEDULE D Income - Gifts

CALIFORNIA FORM **700**

FAIR POLITICAL PRACTICES COMMISSION

Name _____

► NAME OF SOURCE

Ron Shankman
ADDRESS 121 Nichols Street
Huntington Beach CA 92649

BUSINESS ACTIVITY, IF ANY, OF SOURCE

Golf

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

10/10/07 \$20 Golf

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

► NAME OF SOURCE

Shirley Dettloff
ADDRESS 6821 Laurelhurst
Huntington Beach CA 92649

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

10/24/07 \$150 H.B. Sports Club Dinner

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

► NAME OF SOURCE

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

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DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

DATE (mm/dd/yy) VALUE DESCRIPTION OF GIFT(S)

Comments: _____

ATTACHMENT NO. 14.24

9 of tourism bureau's 15 late forms are in

A downtown resident told Huntington Beach officials Aug. 19 that board members hadn't filed the reports on financial investments.

BY ANNIE BURRIS
THE ORANGE COUNTY REGISTER

HUNTINGTON BEACH: More than a week after the city was alerted that its tourism bureau was five months late in filing financial disclosure documents, nine of the 15 required forms have been turned in, officials said.

"It is a courtesy to give an individual a time to comply, so we are in that period of time," said Steve Bone, the Huntington Beach Marketing and Visitors Bureau's chief executive and president.

Downtown resident Richardson Gray had written City Attorney Jennifer McGrath on Aug. 19 saying that Bone and the bureau's 14 board members had failed to turn in documents known as 700 forms. The reports disclose financial investments and are a requirement in the bureau's contract with the city.

The forms are often used to determine conflicts of interest with elected officials such as City Council members, planning commissioners, the city treasurer and the city attorney.

Bone said Aug. 21 that the late

filing was an oversight and that he expected the forms to be filed early the following week.

But as of Friday, six forms were missing: those of Suzanne Beukema, who is with a catering and event planning company; Marco Perry, who is associated with Shorebreak Hotel downtown; Pat Rogers, of the Bella Terra shopping center; Maureen Sloan James, who is with 5 Points Plaza; Dean Torrence, part of the music legend Jan & Dean; and Michael Gagnat of Makar Properties, which is building Pacific City on Pacific Coast Highway and the senior center in Central Park.

"Am I concerned? No," Mayor Keith Bohr said about the late filings. "The folks I'm sure will do it or they will resign - it is kind of as simple as that. It is not a big deal for most people but for some people it is. They don't want their personal, financial investments and information out there and it is their call."

Gray has pointed out concerns that Bone, former president of the Robert Mayer Corp., which built the city's Hilton and Hyatt hotels, might have a conflict of interest.

Bone's 700 form shows that he has more than \$1 million of investments in the Hyatt.

"How can it not be in the back of his mind, preference for the business to first go to the Hyatt?" Gray said.

Bone said his interest in the Hyatt was not a conflict of interest because he was not a voting member of the board. When asked about the influence of his position with the board, he responded, "The board is an intelligent board and they can make their own decisions."

Gray has clashed with Bone over a study the bureau commissioned to consider the economic impacts of building a cultural center in downtown's only park. The plans call for a performing arts theater and underground parking structure for the center that could generate \$4.5 million a year and attract about 300,000 tourists a year.

Gray said the cultural center would affect the quality of life for downtown residents. No action has been taken on these plans, which were filed with the bureau. Bone and board members



MARK MARTINEZ/REGISTER
Steve Bone is president and CEO of the visitors bureau.

could be fined by the city \$10 a day with a maximum of \$100 for not filing, said Roman Porter, executive director of the state Fair Political Practices Commission, which oversees these forms. The commission could later impose fines up to \$5,000, Porter said.

City Clerk Joan Flynn said she isn't obligated to send a second notice of late filing to the bureau until Oct. 1. McGrath said the bureau's delay could be considered a breach of contract.

CONTACT THE WRITER:
949-353-2964
aburris@ocregister.com

Marketing and Visitors Bureau

Steve Bone, president and CEO of the bureau

J.D. Slater with Hilton Waterfront Beach Resort

Margie Buntin with Golden West College

Cheryl Phelps with Hyatt Registry

Shirley Dettloff with Amigos de Bolsa Chica

Brett Barnes with Duke's Station

Suzanne Beukema with Suzanne's Catering and Events Planning

Marco Perry with Shorebreak Hotel

Ron McLin with Longboard Restaurant and Pub

Kevin Patel with Howard Johnson Express Inn and Suites

Joyce Riddell with Huntington Beach Chamber of Commerce

Pat Rogers with Bella Terra

Maureen Sloan James with Points Plaza

Michael Gagnat with Makar Properties

Dean Torrence with Jan & Dean Music

AIR CONDITIONING

EMERALD MEDICAL MANAGEMENT

Friday, August 28, 2009

Only 5 of tourism bureau's 15 late forms turned in so far

More than a week after Huntington Beach officials were alerted about late financial disclosure forms, only some have been turned in.

The Orange County Register

HUNTINGTON BEACH -- More than a week after the city was alerted that its tourism bureau was five months late in filing financial disclosure documents, only five of the 15 required forms have been turned in, officials said.

"It is a courtesy to give an individual a time to comply, so we are in that period of time,"

said Steve Bone, the Huntington Beach Marketing and Visitors Bureau's CEO and president.


Downtown resident Richardson Gray had written City Attorney Jennifer McGrath on Aug. 19 saying that Bone and the bureau's 14 board members had failed to turn in documents known as 700 forms. The reports disclose financial investments and are a requirement in the bureau's contract with the city.

The forms are often used to determine conflicts of interest with elected officials such as City Council members, Planning Commissioners, the city treasurer and city attorney.

Bone said Aug. 21 that the late filing was an oversight and he expected the forms to be filed early this week. However, as of today, the only forms that had been turned in were from Bone and board members Kevin Patel with Howard Johnson Express Inn and Suites, Cheryl Phelps with the Hyatt, J.D. Shafer with the Hilton, and former mayor and Amigos de Bolsa Chica representative Shirley Dettloff.

"I'm retired, so mine is kind of a simple form," said Dettloff who turned in her documents on Monday. "Some of these people are very much in business so they are going to take a little bit longer. I am going to assume that every person on the board will

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ATTACHMENT NO. 14.2c

THE ORANGE COUNTY
REGISTER
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have it by (the end of Friday)."

The city is still waiting for forms from board members that include Dean Torrence, part of the music legend Jan & Dean, and Michael Gagnet with Makar Properties, which is building Pacific City on Pacific Coast Highway and the senior center in Central Park. Also on the board are Margie Bunten with Golden West College and Marco Perry with Shorebreak Hotel.

"Am I concerned? No," Mayor Keith Bohr said about the late filings. "The folks I'm sure will do it or they will resign – it is kind of as simple as that. It is not a big deal for most people but for some people it is. They don't want their personal, financial investments and information out there and it is their call."

Gray has pointed out concerns that Bone, former president of the Robert Mayer Corp. that built the Hilton and Hyatt mega-hotels, might have a conflict of interest. This morning, Bone turned in his 700 form, which shows he has more than \$1 million of investments in the Hyatt.

"How can it not be in the back of his mind preference for the business to first go to the Hyatt?" Gray said. "It is possible that the Hyatt is struggling and ... he may be trying to save his investment for all we know."

Bone said his interest in the Hyatt was not a

conflict of interest because he was not a voting member of the board. When asked about the influence of his position with the board he responded, "The board is an intelligent board and they can make their own decisions."

Gray has clashed with Bone over a study the bureau commissioned to consider the economic impacts of building a cultural center on downtown's only park. The plans call for a performing art theater and underground parking structure for the center that could generate \$4.5 million a year and attract about 300,000 tourists a year.

Gray said the cultural center would affect the quality of life for downtown residents. No action has been taken on these plans, which were filed with the bureau.

Bone and board members could be fined by the city \$10 a day with a maximum of \$100 for not filing, said Roman Porter, executive director of the state Fair Political Practices Commission, which oversees these forms. The commission could later impose fines up to \$5,000, Porter said.

City Clerk Joan Flynn said she isn't obligated to send a second notice of late filing to the bureau until Oct. 1.

McGrath said the bureau's delay could be

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ATTACHMENT NO. 14.27

considered a breach of contract.

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or 949-553-2905

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ATTACHMENT NO. 14.28

CITYSCAPES

Looking For Conflict Of Interest

Residents: Bureau didn't file forms

BY BRITNEY BARNES

britneybarnes@latimes.com

Residents' researching the Downtown Specific Plan's possible cultural center uncovered the Huntington Beach Marketing and Visitors Bureau's almost five-month delay in conforming with the city's Conflict of Interest Code.

The bureau's 14 board members and president are required by the city's Conflict of Interest Code to complete a Form 700 Statement of Economic Interest and file it with the City Clerk. The forms are to disclose any financial interests, and are due April 1. The code is also imposed on other city officials by the state.

City officials said they made several

attempts to contact the bureau, but did not receive any forms until recently. As of late Wednesday, four board members had completed the form.

Bureau President and Chief Executive Steve Bone said the delay was "purely unintentional." "Now that it's been called to our attention, we're all going to comply," Bone said.

The problem was brought up by residents and the Huntington Beach Downtown Residents Assn.

"The [Huntington Beach Downtown Residents Assn.] is concerned that financial disclosure forms have not been submitted despite numerous requests from the City Clerk's office to the Marketing and Visitors Bu-

reau," Kim Kramer, association spokesman, said in an e-mail.

The association has been looking into the issue, along with resident Richardson Gray. Gray said he discovered no one from the bureau had updated their forms in early July, when he was trying to obtain a copy of a draft study for a possible cultural center in Triangle Park.

Gray said he wanted to see the bureau's forms to check if Bone had any significant financial interests in the hotels — something Gray claimed would be a conflict of interest.

Bone said his financial interest in the Hyatt Regency Resort & Spa in downtown Huntington Beach doesn't create a conflict of interest for him.

Tourism bureau late on disclosure forms filing

Huntington panel says delay is oversight, but one resident claims concern over CEO's investments.

By ANNIE BURRIS
THE ORANGE COUNTY REGISTER

HUNTINGTON BEACH • The city's tourism bureau is almost five months late in filing financial disclosure forms that have been requested by the city three times since the April deadline, officials said.

The head of the Huntington Beach Marketing and Visitors Bureau and 14 board members are required by a contract with the city to file documents known as Form 700 that disclose financial investments. These forms are often used to determine conflicts of interest with elected officials such as city council members, planning commissioners, the city treasurer and city attorney.

Steve Bone, president and CEO of the bureau, said the delay was an oversight.

"It was one of those things that was a slip in the cracks," said Bone, who became bureau chief in September 2008. "It wasn't intentional. We will all comply."

The bureau is a private, nonprofit that was instrumental in nicknaming the city Surf City U.S.A. and receives 10 percent of a hotel tax to market the city. Board members include significant community players such as Dean Torrence, part of the music legend Jan & Dean; and Michael Gagnet with Makar Properties, which is building Pacific City on Pacific Coast Highway and the senior center in Central

STEVE BONE senior center in Central Park. Also on the board is former mayor Shirley Dettloff, Cheryl Phelps with the Hyatt, Margie Buntin with Golden West College and J.D. Shaffer with the Hilton.

This late forms have drawn criticism from downtown resident Richardson Gray, who wrote a letter to the city saying he's concerned about Bone's financial investments. Bone was president of the Robert Mayer Corp. that built the Hilton and Hyatt megahotels and still holds some financial interest in the Hyatt.

"It seems that it would be hard to represent the hotels on the (downtown) group ... when he has one big fish he is still significantly involved with," Gray said. Bone said it is well known that he is still connected to the Hyatt but it is not a conflict of interest.

The city clerk's office had contacted the bureau three times in April about the forms, Assistant City Clerk Robin Lugar said. Bureau leaders responded with questions about whether the agency was exempt because it is a private company but did not follow through with requiring the board to file, said Donna Mulgrew, the bureau's vice president of marketing.

Bone and board members could be fined by the city \$10 a day with a maximum of \$100 for not filing, said Roman Porter, executive director of the state Fair Political Practices Commission, which oversees these forms. The commission could later impose fines up to \$5,000, Porter said.

City Attorney Jennifer McGrath said the bureau's delay could be considered a breach of contract. Some City Council members said that as long as the bureau complies quickly, they are not concerned.

Gray recently clashed with Bone over a study the bureau commissioned to consider the economic impacts of building a cultural center on downtown's only park. The plans call for a performing arts theater and underground parking structure for the center that, per year, could generate \$4.5 million a year and attract about 300,000 tourists. Gray said the center would affect the quality of life for downtown residents. No action has been taken on these plans.

Mayor Keith Bohr and Councilman Don Hansen said the city has made efforts in the past to have fewer boards and commissions fill out these forms because it has hindered people from volunteering.

CONTACT THE WRITER: 949-553-2905 or
aburris@ocregister.com

ATTACHMENT NO. 14.30

"It was one of those things that was a slip in the cracks. It wasn't intentional. We will all comply."

STEVE BONE

Monday, August 24, 2009

Tourism bureau 5 months late on disclosure forms

Huntington Beach Marketing and Visitors Bureau was reminded 3 times by clerk's office about forms due April 1.

By ANNIE BURRIS

The Orange County Register

HUNTINGTON BEACH — The city's tourism bureau is almost five months late in filing financial disclosure forms that have been requested by the city three times since the April deadline, officials said.

The Huntington Beach Marketing and Visitors Bureau's president/CEO and 14 board members are required by a contract with the city to file documents known as 700 forms that disclose financial investments.

These forms are often used to determine conflicts of interest with elected officials such as City Council members, Planning Commissioners, the city treasurer and city attorney.


Steve Bone, president and CEO of the bureau, said the lateness in filing was an oversight.

"It was one of those things that was a slip in the cracks," said Bone who became the bureau's chief last September. "It wasn't intentional. We will all comply."

The bureau is a private, nonprofit group that was instrumental in nicknaming the city Surf City U.S.A. and receives 10 percent of a hotel tax to market the city. Board members include significant community players such as Dean Torrence, part of the music legend Jan & Dean, and Michael Gagnet with Makar Properties, which is building Pacific City on Pacific Coast Highway and the senior center in Central Park. Also on the board is former mayor Shirley Dettloff, Cheryl Phelps with the Hyatt, Margie Bunten with Golden West College and J.D. Shafer with the Hilton.

The late forms have drawn criticism from downtown resident Richardson Gray, who wrote a letter to the city saying he's concerned about Bone's financial investments. Bone was president of the Robert Mayer Corp. that built the Hilton and

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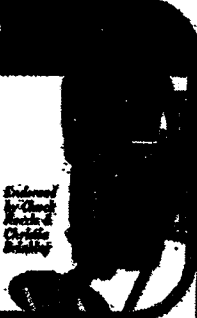


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Hyatt mega-hotels and still holds some financial interest in the Hyatt.

"It seems that it would be hard to represent the hotels on the (downtown) group ... when he has one big fish he is still significantly involved with," Gray said.

Bone said it is well known that he is still connected to the Hyatt but it is not a conflict of interest.

The City Clerk's office had contacted the bureau three times in April about the forms, Assistant City Clerk Robin Lugar said.

Bureau leaders responded with questions about whether the agency was exempt because it is a private company but did not follow through with requiring the board to file, said Donna Mulgrew, the bureau's vice president of marketing.

Bone and board members could be fined by the city \$10 a day with a maximum of \$100 for not filing, said Roman Porter, executive director of the state Fair Political Practices Commission, which oversees these forms. The commission could later impose fines up to \$5,000, Porter said.

City Attorney Jennifer McGrath said the bureau's delay could be considered a breach of contract.

Some City Council members said as long as the bureau complies quickly, they are not concerned.

"I'm not losing any sleep that they filed it late," said Councilman Don Hansen.

Gray recently clashed with Bone over a study the bureau commissioned to consider the economic impacts of building a cultural center on downtown's only park. The plans call for a performing art theater and underground parking structure for the center that could generate \$4.5 million a year and attract about 300,000 tourists a year.


Gray said the center would affect the quality of life for downtown residents.


No action has been taken on these plans, which were filed with the bureau.

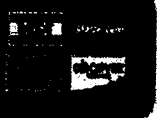

Mayor Keith Bohr and Hansen said that the city has made efforts in the past to have fewer boards and commissions fill out these forms because it has hindered people from volunteering.

"I do not think they are all that important for non-elected officials," Bohr said. "For some it is just too much private information for them to want the public to be able to access and therefore they will choose not to serve on board or commission."

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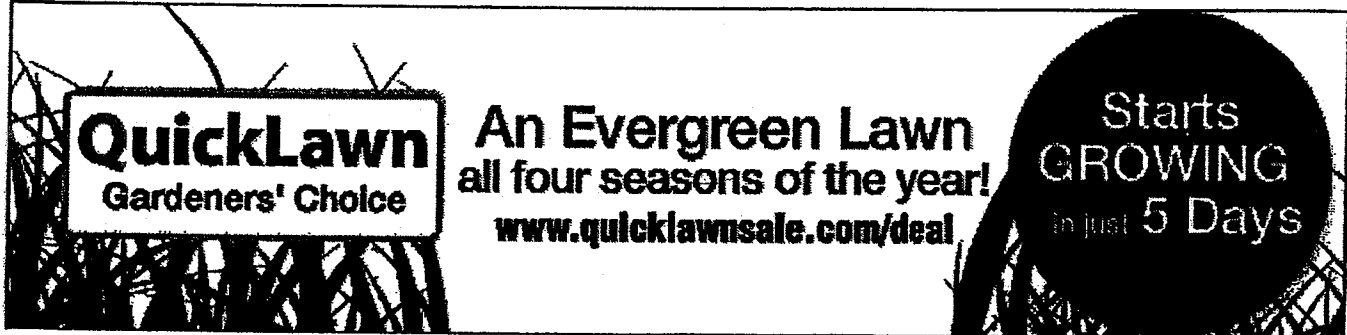
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ATTACHMENT NO. 14.32

Hansen said requiring the board of a private entity to file the forms "seems like over-reaching."

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or 949-553-2905

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ATTACHMENT NO. 14.33

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10 THURSDAY, SEPTEMBER 3, 2009

CITY OF HUNTINGTON BEACH
PUBLIC NOTICE
PUBLIC HEARING FOR THE HOTEL/MOTEL
BUSINESS IMPROVEMENT DISTRICT RENEWAL

NOTICE IS HEREBY GIVEN THAT the City Council will hold its Public Hearing on the 2009-2010 renewal of the Huntington Beach Hotel/Motel Business Improvement District at its meeting scheduled on September 21, 2009 at 6:00 PM or soon thereafter at the Huntington Beach Civic Center, 2000 Main Street, Council Chambers as required by the Parking and Business Improvement Area Law of 1989 as approved by City Council in Resolution No 2009-46 as re-printed below:

RESOLUTION NO. 2009-46
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH DECLARING THE CITY'S
INTENTION TO LEVY AN ANNUAL ASSESSMENT
FOR FISCAL YEAR 2009-2010 WITHIN THE HUNTINGTON
BEACH HOTEL/MOTEL BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the California Legislature, in adopting the Parking and Business Improvement Area Law of 1989 (Streets and Highways Code §36500 et seq.) found that cities are authorized to levy assessments on businesses in order to promote economic revitalization and tourism, create jobs, attract new businesses and prevent erosion of business districts; and

The California Legislature found that cities are authorized to levy assessments on businesses which benefit from those improvements and activities; and

A sizeable majority of the hotel and motel businesses within the City of Huntington Beach requested that the City Council commence proceedings under the Parking and Business Improvement Area Law of 1989 to establish a hotel and motel business benefit area within the City of Huntington Beach and to levy a special assessment to promote tourism and tourist related events; and

The City Council formed a business improvement area, known as the Huntington Beach Hotel/Motel Business Improvement District (the "District"), by the passage of Ordinance No. 3569 on August 19, 2002. The time has come to continue the existence of the District for fiscal year 2009-2010 by levying assessments on those businesses that benefit from the activities; and

The District's Advisory Board has prepared and filed with the City Clerk an "Annual Report/Operating Budget 2008-2009 Fiscal Year to Date" and a "Proposed Budget for Fiscal Year 2009-2010" (collectively, "Annual Report"); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Huntington Beach does hereby resolve as follows:

SECTION 1. The City Council hereby approves the Annual Report filed by the Advisory Board in the City Clerk's office attached hereto as Exhibit A and incorporated herein by this reference, which includes a proposed budget for Fiscal Year 2009-2010 and a description of the improvements and activities to be provided for Fiscal Year 2009-2010.

SECTION 2. To levy and collect assessments within the District area for Fiscal Year 2009-2010 in the amount of 1% on hotel and motel overnight room stays in hotels and motels listed in Exhibit B attached hereto and incorporated herein by this reference.

SECTION 3. The type or types of improvements and activities proposed to be funded by the levy of assessments on businesses within the business improvement area are specified in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. A public hearing shall be held before the City Council on September 21, 2009, at 6:00 p.m., or as soon thereafter as this matter may be heard, in the Council Chambers of the City Hall, 2000 Main Street, Huntington Beach, California, at which time the Council will hear all interested persons for or against levying of the assessment, and the furnishing of specified types of improvements or activities. Protests may be made orally or in writing; but, if written, shall be filed with the City Clerk at or before the time fixed for the hearing and contain sufficient documentation to verify business ownership and validate the particular protest. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. The City Council may waive any irregularity in the form or content of any written protest, and at the public hearing, may correct minor defects in the proceedings. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing set forth above. If written protests are received by the owners of businesses within the District, which will pay 50% or more of the total assessments to be levied, no further proceedings to levy the proposed assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activity within the District, those types of improvements or activities shall be eliminated.

SECTION 5. The City Clerk is hereby directed to provide notice of the public hearing by causing this resolution of intention to be published once in a newspaper of general circulation at least seven days before the public hearing.

SECTION 6. Further information regarding the proposed business improvement district may be obtained at the Huntington Beach City Hall, 2000 Main Street, Huntington Beach, California 92648; telephone (714) 536-5542; or from the Huntington Beach Conference and Visitors Bureau, 301 Main Street, Suite 208, Huntington Beach, CA 92648; (714) 969-3492.

SECTION 7. The City Clerk shall mail a complete copy of this resolution of intention by first-class mail to each business owner in this area within seven days after the Council's adoption of this resolution.

SECTION 8. This resolution shall take effect immediately upon adoption. PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 17th day of August 2009. The estimated cost of providing the improvements and activities for Fiscal Year 2009-2010 is \$715,000.

Copies of the exhibits referenced above are available in the office of the City Clerk or upon request by calling Simone Siffman, Project Manager, at (714) 375-5186, or through the City's website at: <http://www.surfcity-hb.org/Government/Agenda/>
Published Huntington Beach Independent September 3, 2009

085-784

ATTACHMENT NO. 14.32

Victor, General Manager
777 Motor Inn

General Manager
Beach Inn

Ken Patel, General Manager
Best Western Huntington

Ted Chen, General Manager
Best Western Regency

Mike Azad, General Manager
Comfort

Stephanie T., General Manager
Extended Stay

J.D. Shafer
Hilton

General Manager
Hotel Europa

Mr. King Sun, General Manager
Hotel Huntington

Kevin Patel
Howard Johnson

General Manager
Huntington Suites

Lisa Phi, General Manager
Huntington Surf

Cheryl Phelps
Hyatt

Mr. Travin Patel, General Manager
Ocean View

Mr. Darahan Shah, General Manager
Pacific View

Marco Perry
Shorebreak

Mr. Sam Patel, General Manager
Starlight

Mr. Jitendra Barot, General Manager
Surf 'n Sands

HOTEL/MOTEL BUSINESS IMPROVEMENT DISTRICT MEMBERS

2009-2010

777 Motor Inn	16240 Pacific Coast Highway	Huntington Beach CA	92849	714-848-5561
Beach Inn Motel	18112 Beach Blvd.	Huntington Beach CA	92848	714-841-8606
Best Western Huntington Beach Inn	800 Pacific Coast Highway	Huntington Beach CA	92848	714-536-7500
Best Western Regency Inn	19380 Beach Blvd.	Huntington Beach CA	92848	714-962-4244
Comfort Suites	16301 Beach Blvd	Huntington Beach CA	92847	714-841-1812
Extended Stay America - Huntington Beach	5050 Skyway West Circle	Huntington Beach CA	92847	714-799-4887
Hilton Waterfront Beach Resort	21100 Pacific Coast Highway	Huntington Beach CA	92848	714-845-8000
Hotel Europa	7561 Center Avenue #48	Huntington Beach CA	92847	714-395-5860
Hotel Huntington Beach	7667 Center Avenue	Huntington Beach CA	92847	714-891-0123
Howard Johnson Express Inn & Suites	17251 Beach Blvd.	Huntington Beach CA	92847	714-375-0250
Huntington Suites	727 Yorktown Avenue	Huntington Beach CA	92648	714-969-0450
Huntington Surf Inn	720 Pacific Coast Highway	Huntington Beach CA	92648	714-536-2444
Hyatt Regency Huntington Beach Resort and Spa	21500 Pacific Coast Highway	Huntington Beach CA	92648	714-698-1234
Ocean View Motel	16196 Pacific Coast Highway	Huntington Beach CA	92649	714-536-8962
Pacific View Inn and Suites	16220 Pacific Coast Highway	Huntington Beach CA	92649	562-592-4959
Shorebreak Hotel Huntington Beach	20042 Beach Blvd., Ste. 201	Huntington Beach CA	92648	714-861-4470
Starlight Inn	18382 Beach Blvd.	Huntington Beach CA	92648	714-848-8422
Surf 'n Sands Motel	1102 Pacific Coast Highway	Huntington Beach CA	92648	714-536-2543

ATTACHMENT NO. 14.36

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

August 19, 2009

HAND DELIVERED

Jennifer McGrath
City Attorney
City of Huntington Beach
City Hall
Fourth Floor
2000 Main Street
Huntington Beach, CA 92648

**Re: Steve Bone, President and CEO, and all Members of the Board of Directors
Huntington Beach Marketing and Visitors Bureau
Form 700 Statements of Economic Interest, To Be Filed with the City Clerk**

Dear Jennifer:

From the attached three pages in the Huntington Beach Marketing and Visitors Bureau's (Bureau) contract with the City, dated September 18, 2006 and expiring October 1, 2011 (and two pages in the accompanying Request for City Council Action) (Contract), you can see that Steve Bone, as President of the Bureau, and all Members of the Bureau's Board of Directors (Board Members), each are required annually to file a Form 700 Statement of Economic Interests (Form 700s) with the City Clerk. Per the enclosed February 19, 2008 biannual City Council review and action, the application of the City Conflict of Interest Code to the Bureau was reconfirmed, including setting out **the due date for the filing of Form 700s as April 1st** each year.

From this information, you also can see that Steve Bone and the Board Members for 2009 are still required to file Form 700s with the City Clerk. Finally, I have attached a copy of **Section 2.100.065 of the City Municipal Code**, which states in part that "[a]ny such person who fails to file a Statement of Economic Interests as provided in this section shall automatically vacate the office."

As of my personal visit yesterday afternoon to the City Clerk's office, the City Clerk's staff informed me that they have been attempting to obtain Steve Bone's and the Board Members' 2009 Form 700s for the last few months, with no success to date. **In my opinion, Steve Bone's and the Board Members' refusals, for nearly five months beyond their due date, to provide the City Clerk with their 2009 Form 700s, are a flagrant disregard of their**

codified ethical and legal obligations to the City, and its residents, property owners, taxpayers, and voters.

Please let me know as soon as possible when I can obtain copies of Steve Bone's and the Boards Members' 2009 Form 700s. This information is crucially important to me for a number of reasons.

1. As I understand it, Steve Bone and the Board Members are some of the leading proponents, if not the absolute foremost proponents, of the cultural center proposed for Triangle Park (Proposed Center) in the June 12, 2009 draft of the Downtown Specific Plan (June DTSP) and its accompanying Draft Environmental Report of July 20, 2009 (Draft EIR).
2. I believe that Mr. Bone led the developments of both the Hilton Hotel (Hilton) and the Hyatt Hotel (Hyatt), located on Pacific Coast Highway near downtown Huntington Beach.
3. **Should Steve Bone continue to hold a financial stake in either the Hilton or Hyatt or both, in my opinion, this financial stake would create a substantive conflict of interest for Steve Bone in championing the Proposed Center.**

This conflict would arise from Steve Bone's compensation from the Bureau, provided in large part through City taxpayer dollars, and the direct benefit he would receive in the increased value and increased revenues of the Hilton or the Hyatt or both, expected to be derived from the increased occupancy at downtown hotels flowing from the Proposed Center as a new major tourist attraction. From the Contract, you can see that **the Bureau, and the Huntington Beach Hotel/Motel Business Improvement District that the Bureau administers, together receive approximately twenty percent (20%) of the City's room taxes, a total amount estimated to be \$1,160,000 for fiscal year 2006-2007.**

4. **If Steve Bone does have a conflict such as the one described above, this conflict is even more pronounced due to the widespread opposition to the Proposed Center at Triangle Park, from downtown residents, property owners, taxpayers, and voters. To date, nearly 5,000 Huntington Beach residents have signed a petition opposing the location of the Proposed Center at Triangle Park. The vast majority of these residents live downtown.**
5. If Steve Bone does have a conflict similar to the one described above, this conflict would be greatly exacerbated by the massive transfer of wealth, for which the construction of the Proposed Center at Triangle Park would provide the catalyst. I estimate that **the loss in property values for residences in the north end of downtown, within a several block radius of Triangle Park, would reach at least tens of millions of dollars in total, if the Proposed Center were built at Triangle Park. Directly mirroring this loss of residential values, the coastal hotels near downtown, including the Hilton and Hyatt, should have increases**

in values also reaching the tens of million dollars in total, if the Proposed Center is built, caused by their improved revenues and occupancy rates flowing from the Proposed Center.

6. On account of this potential conflict of interest for Steve Bone, and possibly comparable conflicts for other Board Members, **Steve Bone's and the Board Members' 2009 Form 700s should be made public at least one month before the Planning Commission's vote on the June DTSP and Draft EIR, currently scheduled for September 22, 2009.**

To repeat myself, please let me know as soon as possible when I can obtain copies of Steve Bone's and the Board Members' 2009 Form 700s. Thank you for your prompt attention to this important matter.

Sincerely yours,

Richardson Gray

cc: Joan Flynn, City Clerk (Hand Delivered)

**GRANT AGREEMENT BETWEEN THE CITY OF
HUNTINGTON BEACH AND THE HUNTINGTON BEACH
CONFERENCE AND VISITORS BUREAU FOR PUBLIC
RELATIONS SERVICES**

THIS AGREEMENT is made and entered into by and between the CITY OF HUNTINGTON BEACH, a municipal corporation of the State of California, hereinafter referred to as "CITY," and the HUNTINGTON BEACH CONFERENCE AND VISITORS BUREAU, a California non-profit corporation, hereinafter referred to as "GRANTEE."

WHEREAS, CITY desires to grant funds to GRANTEE to perform promotional services, and provide a conference and visitors bureau in the City of Huntington Beach; and

GRANTEE has agreed to accept such funds and to perform such services;

NOW, THEREFORE, it is agreed by CITY and GRANTEE as follows:

1. GRANT OF FUNDS

CITY hereby grants to GRANTEE a sum equivalent to ten percent (10%) of CITY'S Transient Occupancy Tax (TOT) collections each month, payable monthly, following collection of same.

2. PUBLIC PURPOSES LIMITATION/DURATION OF AGREEMENT

All funds granted herein shall be used only for the promotion of the City of Huntington Beach, to attract visitors and convention business, to provide information to persons interested in doing business in the community, to represent CITY on related regional activities such as the Film Commission, to operate a conference and visitors bureau to benefit CITY, and to perform all services as set forth in the Scope of Services attached hereto as Exhibit "A" and incorporated by this reference as though fully set forth herein.

ATTACHMENT NO. 14.40

In addition to the tasks identified in the Scope of Services (Exhibit A), GRANTEE shall perform the following tasks:

- Attend the City Council's Downtown Economic Development Committee meetings.
- Conduct status meetings with CITY'S Director of Economic Development no less than four (4) times per year as mutually agreed upon between the Director Economic Development and the President of GRANTEE.
- Provide monthly written status reports to CITY'S Director of Economic Development.
- Until no longer required by CITY'S Conflict of Interest Code, the Board and President shall annually complete Form 700 Statement of Economic Interest, and file the completed form with the City Clerk.

3. TERM; ANNUAL EXTENSION; TERMINATION

This Agreement shall commence on October 1, 2006. The initial term of this Agreement is five (5) years. Commencing October 1, 2011, and on the 1st of October of each succeeding year thereafter, this Agreement shall be annually extended for a new one (1) year term.

All work required hereunder shall be performed in a good and workmanlike manner. Either party may terminate this Agreement at any time without cause, upon one (1) year prior written notice to the other party. In the event of termination, all finished and unfinished documents, exhibits, reports, and evidence shall, at the option of CITY, become its property and shall be promptly delivered to it by GRANTEE.

CITY reserves the right to terminate this Agreement for cause upon thirty (30) days written notice to GRANTEE, in the event the City Council determines, based upon substantial evidence, that :

ATTACHMENT NO. 14.41

17. ENTIRETY

The foregoing sets forth the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed

by and through their authorized officers

September 18, 2006

HUNTINGTON BEACH CONFERENCE
AND VISITORS BUREAU, a California
corporation:

CITY OF HUNTINGTON BEACH, A
municipal corporation of the State of
California

By: [Signature]

DOUGLAS C. TRAVIS
print name

ITS: (circle one) Chairman President Vice President

AND

By: [Signature]

Cheryl Phelps
print name

ITS: (circle one) Secretary Chief Financial
Officer Asst. Secretary - Treasurer

[Signature]
Mayor

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney 8/29/06

INITIATED AND APPROVED:

[Signature]
Director of Economic Development

REVIEWED AND APPROVED:

[Signature]
City Administrator

ATTACHMENT NO. 14.42

9/20/06

S. SMALEWITZ, EDD
C. MENDOZA, Risk Mgr
(initials)

RECEIVED

Council/Agency Meeting Held: 9-18-06		2006 SEP - 7 PM 5: 29	
Deferred/Continued to:		CITY CLERK <i>Rolando J. Lopez</i>	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Conditionally Approved	<input type="checkbox"/> Denied	City Clerk's Signature
Council Meeting Date: 9/18/2006		Department ID Number: ED 06-38	

CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS

SUBMITTED BY: *Penelope Culbreth* PENELOPE CULBRETH-GRAFT, DPA, CITY ADMINISTRATOR

PREPARED BY: STANLEY SMALEWITZ, DIRECTOR OF ECONOMIC DEVELOPMENT *SEA*

SUBJECT: Approve Five Year Grant Agreement Between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau Beginning October 1, 2006

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: On May 15, 2006 the City Council approved a five (5) year grant agreement with the Huntington Beach Conference and Visitors Bureau with funding set at ten percent (10%) of the Transient Occupancy Tax (TOT) collections each month beginning October 1, 2006.

Funding Source: Funding for the Grant Agreement is included in the proposed budget for fiscal year 2006-07, Account No. 10080101.74020

Recommended Action: Motion to:

Approve and authorize execution by the Mayor and City Clerk of the attached five year Grant Agreement between the City of Huntington Beach and the Huntington Beach Conference and Visitors Bureau for 10% of the TOT revenues, beginning October 1, 2006.

Alternative Action(s): Do not approve the Grant Agreement and direct staff accordingly.

Analysis: The Huntington Beach Conference and Visitors Bureau (HBCVB) was formed in November 1989 to represent the community in the solicitation of leisure travelers, tour groups and conferences. Over the years, the HBCVB has developed annual Huntington Beach Visitors Guides, meeting planners' kits, multi-lingual brochures, a website, and numerous other marketing materials to further the goals of the City relating to conferences and tourism.

During the current 2005-06 fiscal year, the Bureau was able to complete the following:

- Development of four specialty press kits for birders/naturalists, families, seniors and couples
- Launch of the new filming venue website "www.filmhuntingtonbeach.com"
- Marketing with Surfing America to host the '06 Junior World Games and '07 World Games

ATTACHMENT NO. 14.43

E-5

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 9/18/2006

DEPARTMENT ID NUMBER: ED 06-38

- Printing a new Dining Guide in a marketing alliance with the H B Restaurant Association
- A full-page co-op ad in the California Visitors Guide
- A 76-page color *Huntington Beach Visitors Guide* with 150,000 copies distributed
- The most comprehensive special events calendar at "www.surfcityevents.com"
- Management of a comprehensive digital photo library of 1,000+ images
- Operation of a weekday Visitor Center responding to more than 1,300 walk-in visitors; 1,500 telephone calls from out of town potential visitors; 900 requests from local residents; and 800 e-mail requests for information annually

Through this five year Grant Agreement, the HBCVB anticipates that new funding will allow it to continue and expand the programs previously outlined as well as accomplish the following objectives:

- Expanded operations of a new Pier Plaza Visitor Center
- Completion of a local arts and community project for residents overnight visitors
- Printing of Downtown Guide in an alliance with the Downtown Merchants Association

The attached Grant Agreement requires either party to give (1) one year written notice to terminate said agreement without cause, and includes language that automatically extends the agreement in (1) one year increments each October subsequent to the completion of the initial (5) five year period.

On August 5, 2002, at the request of the City's hotels and motels, the City formed a Hotel/Motel Business Improvement District (BID). Through this BID, an additional 1% levy is assessed on all overnight stays in Huntington Beach and given to the HBCVB. The 1% BID levy generates the same amount each year as this Grant Agreement for 10% of the TOT; and each will generate an estimated \$580,000 for the fiscal year 2006-07, increasing each year as the local hotels also increase their business through better and coordinated marketing. The BID funds, coordinated with the monies provided by the City in the attached Grant Agreement, will allow the HBCVB to increase its advertising, marketing and public relations of Huntington Beach as a year-round, overnight destination.

Environmental Status: Not Applicable

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Five year Grant Agreement between the City of Huntington Beach and the HBCVB for Fiscal Years 2006/07—2010/11

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 2/19/2008

DEPARTMENT ID NUMBER: AD 08-003

Analysis: State law requires the City Council, Planning Commission, City Treasurer, and City Attorney, among others, to file such Conflict of Interest Statements. The City Code acknowledges and broadens State law to also include those positions designated by the Council. Persons so designated are required to file a Statement upon assuming their position, an annual statement each April 1, and a Statement upon leaving their position. The Code requires such persons to disqualify themselves from participating in decisions or influencing decisions in which they have a conflict. The City's Conflict of Interest Code was most recently amended in 2005. Since then, employee job titles and descriptions have been added, deleted, and changed making it necessary to update the Code. Designated employees, boards, commissions, and committees are shown on "Exhibit B" to the resolution.

Staff continues to review all employee positions for inclusion or removal from the list, and the City Attorney staff will be presenting ethics training sessions for all filers on an ongoing basis to ensure compliance with AB 1234.

Council policy requires the City Council, City departments, and all boards, commissions, and committees to formally review the City Code of Ethics annually, during the month of January. This Code is not intended to supersede or invalidate any statute, ordinance, or civil service rule or regulation. A slight amendment to the Second Policy Section has been recommended to clarify the requirement of officials to comply with "local and" state law.

Strategic Plan Goal: C-2: "Provide quality public services with the highest professional standards to meet community expectations and needs, assuring that the City is sufficiently staffed and equipped overall."

Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Resolution No. <u>2008-09</u> A Resolution of the City Council of the City of Huntington Beach, California Amending its Conflict of Interest Code.
20	2.	City Code of Ethics.

BOARDS, COMMISSIONS AND COMMITTEES

City Council
Convention and Visitors Bureau
Design Review Board
Planning Commission

CONSULTANTS

Consultants shall be included in the list of designated officials and employees and shall disclose interests subject to the following limitation: The City Administrator may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and this is not required to fully comply with the disclosure requirements described in Section 5 above. Such written determination shall include a description of Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

(City Council) Approved the Amended Project Concept for the Orange County Transportation Authority (OCTA) Go Local Grant Program in Partnership with the Cities of Stanton, Westminster, and Fountain Valley to Conduct a Needs Analysis and Transit Connection Study — Approved the amended Go Local, Step One Project Concept overview to conduct a needs analysis and transit connection study. Submitted by the Director of Public Works. **Funding Source:** OCTA has allocated up to \$100,000 for each Orange County local agency to study alternatives. City participation funds are not required and not anticipated to be needed to complete the study effort.

(City Council) Adopted Resolution No. 2008-08 Accepting \$40,000 in Grant Funds from the Orange County Regional Integrated Waste Management Department for Recycling and Public Education Programs — Adopted Resolution No. 2008-08, *"A Resolution of the City Council of the City of Huntington Beach Accepting Funds From the Orange County Regional Recycling and Waste Diversion Grant Program."* Submitted by the Director of Public Works. **Funding Source:** No funding is required for this action. Revenue of \$40,000 for recycling and public education programs is anticipated.

(City Council) Approved Project Plans and Specifications and Award Construction Contract in the Amount of \$167,123.40 to Golden State Constructors, Inc. for the Construction of Curb Access Ramps at Various Locations, MSC-453 and Authorized the Mayor and City Clerk to Execute Contract in a Form Approved by the City Attorney — 1) Approved the project specifications; 2) Accepted the lowest responsive and responsible bid submitted by Golden State Constructors, Inc. in the amount of \$167,123.40 for MSC 453; and, 3) Authorized the Mayor and City Clerk to execute a construction contract in a form approved by the City Attorney. Submitted by the Director of Public Works and the Director of Economic Development. **Funding Source:** Funds in the total amount of \$180,000 have been budgeted for this project from Community Development Block Grant (CDBG), FY 2007/08, Citywide ADA Ramps, Account No. 85782010.82300. The engineer's cost estimate for this project is \$170,000.

(City Council) Adopted Resolution No. 2008-09 Amending the Conflict of Interest Code Requiring Designated Employees and Members of City Boards, Commissions and Committees to File a Statement of Economic Interest; and, Reviewed and Approved the Amended City Code of Ethics — 1) Adopted Resolution No. 2008-09, *"A Resolution of the City Council of the City of Huntington Beach Amending Its Conflict of Interest Code;"* and 2) Reviewed and approved City Code of Ethics. Submitted by the City Attorney and the Deputy City Administrator. **Funding Source:** None.

(City Council) Approved and Authorized the Mayor and City Clerk to Execute the Trust Agreement with California Public Retirement System (CalPERS) to Provide Investment Services and Prefund Retiree Medical Benefits; Adopted Resolution No. 2008-11 Approving the Agreement with the California Employers Retiree Benefit Trust (CERBT) Program; and, Adopted Resolution No. 2008-12 Delegating the Authority to Request Disbursements From the CERBT — 1) Approved and authorized the Mayor and City Clerk to execute the California Employer's Retiree Benefit Trust Program (CERBT) Agreement and Election of the City of Huntington Beach to Prefund Other Post Employment Benefits Through CalPERS; 2) Adopted Resolution No. 2008-11, *"A Resolution of the City Council of the City of Huntington Beach Approving Agreement With the California Employers Retiree Benefit Trust Program and Authorizing the Mayor to Sign Such An Agreement on Behalf of the City;"* 3) Adopted Resolution No. 2008-12, *"A Resolution of the City Council of the City of Huntington*

2.100.065 Statements of Economic Interests. Every person appointed to a board, commission, or committee designated by the City Council resolution adopting the City's Conflict of Interest code, shall file a Statement of Economic Interests with the City Clerk on forms provided by the City Clerk. Statements of Economic Interests shall be filed upon taking office, annually no later than thirty (30) days after the date specified by law, and upon leaving office. Any such person who fails to file a Statement of Economic Interests as provided in this Section shall automatically vacate the office. (3391-8/98)

2.100.070 Employment limitation. No person serving on any board or commission shall hold any full or part-time paid office or employment in the Huntington Beach personnel system while so serving, unless otherwise specified. (2896-6/87)

2.100.080 Duration of terms. Members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be four (4) years, staggered so that the majority of terms shall end in odd-numbered years following the election of four (4) council members and remainder of the terms shall end in odd-numbered years following the election of three (3) council members. (2896-6/87)

2.100.085 Attendance. Any person appointed to any city board, commission, or committee shall automatically vacate the office upon a fifth (5th) unexcused absence during a calendar year or upon more than three (3) consecutive unexcused absences at any time during the term of office. Upon request of the absent member, each board, commission, or committee shall have the authority to determine whether an absence is excused. The appointing authority shall appoint a successor to fill the vacancy. (3124-12/91, 3776-9/07)

2.100.090 Open meetings. All meetings of boards and commissions shall be open to the public unless subject to the closed session exceptions contained in the Ralph M. Brown Act (Government Code § 54950). (2896-6/87)

2.100.100 Rules. Each board and commission may adopt such bylaws and rules as may be necessary or convenient for the conduct of its business, subject to approval of the City Council. (2896-6/87)

2.100.110 Applicability. This chapter shall apply to all boards and commissions, unless an ordinance enacted after the date of this section establishes different requirements. (3124-12/91, 3323-5/96)

Wine, Linda

From: Wine, Linda
Sent: Thursday, September 03, 2009 4:56 PM
To: Barbara Delgleize; Blair Farley; Elizabeth Burnett (E-mail); Fred Speaker; Janis Mantini; John Scandura; Tom Livengood
Cc: Hess, Scott; Fauland, Herb; Wine, Linda; De Coite, Kim; Villasenor, Jennifer
Subject: FW: HBTomorrow's DTSP 9-01-09 comments
Attachments: HBT DTSP Comments 9-01-09.doc

From: edkerins@netscape.net [mailto:edkerins@netscape.net]
Sent: Thursday, September 03, 2009 4:49 PM
To: Wine, Linda
Subject: HBTomorrow's DTSP 9-01-09 comments

Please forward to the planning commissioners.

I'm sorry I was unable to stay to deliver HBT's DTSP comments on District 1 Tuesday night. However the comments are attached for your review.

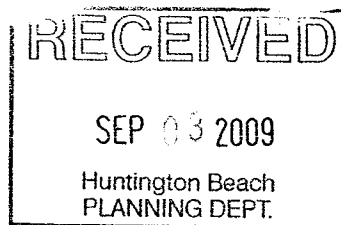
I was impressed with the range of questions and concerns expressed by the commissioners. I too have walked the streets affected and tried to envision the type of units and density proposed. It just doesn't make sense to me and I would be surprised if it made sense to you..

I would also be surprised if staff could adequately respond to all of your questions, provide you with the options you are seeking and allow time for public review in the short time left before the scheduled public hearing.

You may wish to consider that doing the right thing should be priority no.1.

Thanks for all your hard work.

Ed Kerins



HBT DTSP PC STUDY SESSION COMMENTS 9-01-09

ABOUT TWO YEARS AGO I WAS ASKED TO GIVE STAFF AND CONSULTANTS MY VIEWS ON A FUTURE VISION FOR DOWNTOWN. I SOLICITED IDEAS FROM MY HOME OWNER ASSOCIATION BOARD MEMBERS AND HBTOMORROW BOARD MEMBERS.

THE VISION WAS FOR A TOURIST AND RESIDENT FRIENDLY ENVIRONMENT THAT WOULD HAVE THE FOLLOWING CHARACTERISTICS: CLEAN SIDEWALKS; PEDISTRIAN FRIENDLY WITHOUT THE CONGESTION AND UBSTRUCTIONS THAT KEEPS RESIDENTS AWAY; UPSCALE COMMERCIAL USES THAT WOULD ATTRACT RESIDENTS AND TOURISTS; THE REDUCTION OF COMMERCIAL ESTABLISHMENTS WHO'S SALES COME PRIMARILY FROM THE SALE OF ALCOHOL; AND OUTDOOR DINING WITHOUT BREATHING IN AUTOMOBILE EMISSIONS.

WHEN THE DTS PLAN WAS RELEASED WE FOUND THE PROPOSED PROJECT DOES NOT MEET OUR VISION. IT DOES MEET THE VISION OF THOSE WHO WANT TO INTENSIFY THE RESIDENTIAL AND COMMERCIAL USES. THE BENEFICIARIES ARE THE PEOPLE WHO WOULD FINANCIALLY BENEFIT FROM HAVING MORE PEOPLE DOWNTOWN AND THOSE WHO BELIEVE BIGGER IS BETTER.

OUR DTSP PLAN COMMENTS WERE: ENSURE RESIDENTIAL STANDARDS DO NOT EXCEED THE DEVELOPMENT STANDARD FOR BELLA TERRA II. THE PROPOSED PROJECT CALLS FOR 60 DU/AC AND 5 STORIES VERSUS 45 DU/AC AND 4 STORIES FOR BELLA TERRA II.

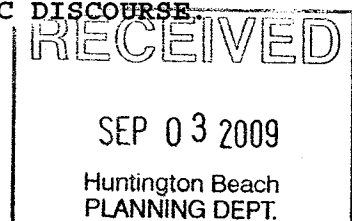
WITH REGARD TO THE CULTURAL OVERLAY. THIS CONTROVERSIAL RECOMMENDATION APPARENTLY CAME FROM THE CONSULTANT - THERE IS NO RECORD OF A COMMUNITY MEMBER SUGGESTING THIS. WE RECOMMENDED THE PRACTICALITY, FINANCING, USAGE, LOCATION AND OTHER COMMUNITY SUPPORT QUESTIONS BE ANSWERED BEFORE A CULTURAL OVERLAY BE ADOPTED. HBT SUPPORTS THE CONCEPT OF A CULTURAL CENTER BUT CERTAINLY NOT AT THIS LOCATION DUE TO ITS IMPACT ON ADJOINING RESIDENTS AND INCONVENIENT LOCATION FOR HB RESIDENTS. I SERIOUSLY DOUBT HB RESIDENTS WOULD VOTE YES TO BUILD AND FIND SUCH A CENTER AT THIS LOCATION.

OTHER HBT RECOMMENDATIONS REGARDING THE INCREASE IN MAXIMUM SITE COVERAGE, FLOOR AREA RATIO AND LACK OF UPPER STORY SETBACK WERE ALSO IGNORED. PERHAPS THE EIR'S REDUCED DEVELOPMENT ALTERNATIVE COULD CONTAIN THESE PROVISIONS.

HBTOMORROW HAS SUPPORTED THE PLAZA ALMERIA MIXED USE PROJECT, THE 31 ACRE PACIFIC CITY PROJECT AND THE BELLA TERRA II MIXED USE PROJECT BECAUSE THEY ARE BENFICIAL TO THE CITY, ITS RESIDENTS AND ITS BUSINESSES. HOWEVER WE CANNOT SUPPORT THIS PROPOSED DOWNTOWN SPECIFIC PLAN UPDATE BECAUSE IT WILL INTENSIFY USES TO THE DETRIMENT OF EXISTING AND FUTURE RESIDENTS.

IN SUMMARY, HBT BELIEVES THE PLANNING COMMISSION SHOULD RECOGNIZE THE DEFICIENCIES OF THE PROPOSED PROJECT AND AT A MINIMUM DIRECT STAFF TO TAKE THE FOLLOWING ACTIONS: REDUCE INTENSITIES TO THE LEVEL OF THE BELLA TERRA II PROJECT WHICH IS ALREADY 50% HIGHER THAN EXISTING STANDARDS AND SECONDLY REMOVE THE CULTURAL OVERLAY FROM THE PROPOSAL. IT'S A BAD IDEA THAT WILL LEAD TO TIME CONSUMING AND EXPENSIVE LITIGATION AND PUBLIC DISCOURSE.

ED KERINS
HBT DTSP COMMITTEE MEMBER



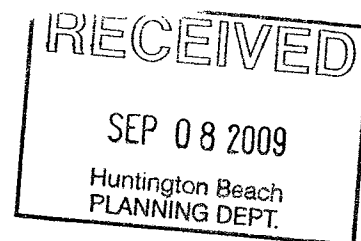
ATTACHMENT NO. 4.50

Wine, Linda

From: HBWacky4U@aol.com
Sent: Saturday, September 05, 2009 4:05 PM
To: Wine, Linda
Subject: SAVE TRIANGLE SQUARE

My name is Debra Goode and I own a house in "Old Town" Huntington Beach. PLEASE don't take away our Library and square. So many people use the library and can walk there rather than have to take a car and get to the huge library. I could go on about the fact that it has been part of this community for many, many years but lately it is obvious that the leaders of our town no longer care about preserving anything that is old and dear to us. I will be at the meeting on Wednesday. This is just terrible!

Sincerely,
Debra



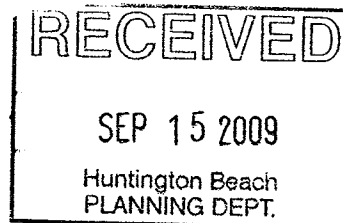
Wine, Linda

From: Wine, Linda
Sent: Tuesday, September 15, 2009 7:48 AM
To: Barbara Delgleize; Blair Farley; Elizabeth Burnett (E-mail); Fred Speaker; Janis Mantini; John Scandura ; Tom Livengood
Cc: Broeren, Mary Beth; De Coite, Kim; Fauland, Herb; Fritzal, Kellee; Hess, Scott; Mulvihill, Leonie; Smalewitz, Stanley; Villasenor, Jennifer; Wine, Linda
Subject: FW: [HBTALK] An Open Letter to City Attorney Jennifer McGrath

From: Blair Farley [mailto:blair@surfcitylocals.com]
Sent: Monday, September 14, 2009 6:22 PM
To: Wine, Linda; Fauland, Herb
Cc: McGrath, Jennifer
Subject: Re: [HBTALK] An Open Letter to City Attorney Jennifer McGrath

Can a copy of this be given to the PC asap please.

//blair



On Sep 14, 2009, at 4:39 PM, McGrath, Jennifer wrote:

The documents responsive to Mr. Gray's request are available for inspection and/or copying at the front counter of the City Attorney's Office. Included in these documents is an open letter stating the City Attorney's position on the status of Triangle Park. The documents will be available all week. Please advise if you will need additional time to review.

Jennifer McGrath

From: Kim Kramer <kim@e-mailcom.com>
To: McGrath, Jennifer
Cc: lsmoon4@verizon.net <lsmoon4@verizon.net>; hbtalk@bixby.org <hbtalk@bixby.org>; CITY COUNCIL
Sent: Mon Sep 14 09:03:27 2009
Subject: Re: An Open Letter to City Attorney Jennifer McGrath

Jennifer,

We will be looking forward to receiving the documents.

Thank you.

Kim

McGrath, Jennifer wrote:
Kim -

First, please note that City Council is not likely to respond as you have invited a Brown Act violation by your request.

Second, I never represented to you that I would release the confidential opinion. I have consistently advised that I would

craft a public document for release.

Third, the title documents will be released via mail and can be made available at any time.

Fourth, the document I am drafting will be made available the same way.

From: Kim Kramer <kim@e-mailcom.com>

To: McGrath, Jennifer

Cc: lsmoon4@verizon.net <lsmoon4@verizon.net>; hbtalk@bixby.org <hbtalk@bixby.org>

Sent: Sun Sep 13 13:46:52 2009

Subject: Re: An Open Letter to City Attorney Jennifer McGrath

So, let me see if I have this straight:

- 1) We don't get to see the original opinion letter that you PROMISED we would see.
- 2) We don't get to see the revised opinion letter.
- 3) Your response to the Public Records Act will say "We are NOT showing you anything."

and

- 4) You will prepare a public letter next week - I can only imagine how open and transparent that letter will be.

When you release your public letter next week, where can we find that?

When you release the title documents tomorrow, where can we find that?

Kim

ATTN: CITY COUNCIL MEMBERS - Keith Bohr, Don Hansen, Joe Carchio, Gil Coerper, Jill Hardy, Devin Dwyer, Cathy Green

Why are there so many secrets with our city government?

Why are the Huntington Beach residents excluded from knowing all the facts so that we can make informed decisions?

In the name of openness and transparency, will you provide the City Attorney with a "waiver of privilege" so the residents of Huntington Beach can be see these secret documents?

Will any of you respond to this e-mail and give us some feedback?

McGrath, Jennifer wrote:

The title documents are being released tomorrow. The confidential opinions will not be released to the public without a waiver of privilege from the City Council.

From: Kim Kramer <kim@e-mailcom.com>
To: McGrath, Jennifer
Cc: lsmoon4@verizon.net <lsmoon4@verizon.net>; hbtalk@bixby.org <hbtalk@bixby.org>
Sent: Sun Sep 13 13:22:48 2009
Subject: Re: An Open Letter to City Attorney Jennifer McGrath

Thank you Jennifer.

Where can we find the revised opinion letter that was released Wednesday, as well as the original opinion letter, so that we can compare the two and understand the revisions.

Also, can you please release the title search documents that you reference below that revealed the additional facts that required additional review.

Respectfully,

Kim

McGrath, Jennifer wrote:

I apologize for the delayed response. As you know, a title search revealed additional facts which required additional review. The revised confidential opinion was released Wednesday. I will prepare a public letter next week. In addition, the response to the Public Records Act will be released Monday.

From: Kim Kramer <kim@e-mailcom.com>
To: Linda S. Moon <lsmoon4@verizon.net>
Cc: HB TALK <hbtalk@bixby.org>; HBDRA Board of Directors <kim@e-mailcom.com>; HBDRA Residents <kim@e-mailcom.com>
Sent: Sun Sep 13 12:43:19 2009
Subject: An Open Letter to City Attorney Jennifer McGrath

An Open Letter to City Attorney Jennifer McGrath

cc: City Council, Planning Commissioners, HBTALK, HBDRA and other interested parties

Dear Jennifer McGrath,

If you stand behind these words, then please release your existing Opinion Letter regarding the Measure C status of Triangle Park.

The Huntington Beach Downtown Residents Association has been asking for this document since May, 2009.

In your meeting with me and other HB residents in May, 2009, **YOU PROMISED** us a copy of that Opinion Letter, or a new letter summarizing the contents of that Opinion Letter.

As of today, you have **NOT RESPONDED** to my many e-mails regarding same, nor have you returned my many phone messages. It's been more than four months.

You have also not responded yet to a formal request submitted this month for a copy of this document under the California Public Records Act. Will you respond? Will you comply? The deadline is September 18th.

The residents of Huntington Beach deserve openness and transparency in our city government and its elected officials - why are you not releasing this document as you promised you would?

As an elected official whose job it is to "protect the community" and be "accountable to the electorate"
PLEASE RELEASE THIS DOCUMENT AND RELEASE IT NOW BEFORE THE FINAL DTSP IS PUBLISHED !!!

Respectfully submitted by:

Kim Kramer
Huntington Beach Downtown Residents Association

Linda wrote:

The following message was received from City Attorney Jennifer McGrath. My distribution of its content does not indicate my support for the positions stated therein. Linda

ToSent: Sunday, September 13, 2009 10:47 AM

Subject: Time to let your opinions be heard!

On Tuesday, September 15, 2009, the Charter Review Commission of the City of HB will be hearing public input regarding election issues. The meeting is at City Hall from 6 pm - 9 pm. The Charter is the Constitution for the City and has not been reviewed in several years.

On Tuesday night, the Charter Review Commission is soliciting public input on if the City should have a directly elected Mayor, change the elected City Attorney, City Treasurer, and City Clerk to appointed positions, and other related election issues. Please try to attend and let them hear your thoughts. Invite your friends, neighbors, and co-workers as well!

This is my (Jennifer McGrath's) Statement to the Orange County Register on September 10, 2009.

I strongly believe the elected offices of City Attorney, City Clerk and City Treasurer should remain elected. As independently elected officials, each position is immune from inappropriate pressure and can better protect the community and the General Fund by establishing checks and balances with the policymakers. Both the Clerk and Treasurer have been elected positions for nearly 100 years. The City Attorney has been an elected position for over 40 years.

Currently, all three elected officials are accountable to the electorate. Dilution of the right of the people to vote does not lead to better government. Under the current system, the City Clerk ensures transparency and the availability of the public records that belong to the citizens. The City Treasurer is able to receive and invest monies on behalf of the City to ensure the best possible return on investment and protection from inappropriate use of funds. And lastly, the City Attorney provides objective legal advice to avoid illegal or improper decisions.

None of the previous Charter Review Commissions have recommended that the City Attorney become appointed. No initiative from the public has ever raised this issue either. Ironically, the only people that have placed this issue on previous ballots are current and/or former council-members. Lastly, each time the voters were given an opportunity to make the City Attorney position appointed, the voters have rejected the opportunity.

As for the City Attorney specifically, over 55% of the voters in the State of California are represented by an elected City Attorney. As of November 2008, the following Cities have elected City Attorneys: Albany, Chula Vista, Compton, Huntington Beach, Long Beach, Los Angeles, Oakland, Redondo Beach, San Bernardino, San Diego, San Francisco and San Rafael. In fact, the voters of the Chula Vista elected to create an elected City Attorney as recently as November 2008. The ballot argument supporting the Chula Vista measure stated that "An independent City Attorney, chosen by the people, will be free to fight unethical behavior and corruption in city government and be independent of Mayoral or City Council influence."

hbtalk mailing list
hbtalk@bixby.org
<http://www.bixby.org/mailman/listinfo/hbtalk>

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hbtalk@bixby.org
<http://www.bixby.org/mailman/listinfo/hbtalk>

Wine, Linda

From: Kim Kramer [kim@e-mailcom.com]
ent: Tuesday, September 15, 2009 3:20 PM
o: HB TALK; HBDRA Board of Directors; HBDRA Residents
Subject: [Fwd: An Open Letter to City Attorney Jennifer McGrath]

RECEIVED

SEP 15 2009

Huntington Beach
PLANNING DEPT.

To: HBTALK, HBDRA Board of Directors, HBT Board of Directors, HBDRA Residents

City Council Members, The Honorable Mayor Keith Bohr, Planning Commissioners, OC Register, HB Independent

and Other Interested Parties,

Our Open Letter to City Attorney Jennifer McGrath was publicly posted on HBTALK below on Sunday 9.13.09.

By Monday 9.14.09 the documents that we have been requesting now for four months are finally available.

They are linked below for everyone's review:

http://www.e-mailcom.com/jobs/HB_CITY_ATTORNEY.pdf

Page 1 states that Triangle Park is, in fact, an official and legitimate park of Huntington Beach and subject to protection under Measure C.

That is good news and this "park or no park" controversy is finally put to bed.

However, Measure C has all sorts of exclusions when there is a library involved . . . so stay tuned.

FYI the 1917 deed to the city from the Huntington Beach Company has a covenant that requires Triangle Park to forever remain a public park.

That is good news, however, page 2 of the city's document linked above states that this covenant was removed pursuant to a 1921 deed.

That is bad news and means that commercial development on Triangle Park is now up for grabs to the highest bidder.

Here's the controversy:

The 1921 deed referenced on page 2 has been previously reviewed by our attorneys at Palmieri Tyler as well as two other attorneys that are local residents and HBDRA members.

The independent conclusion of all three attorneys is that the 1921 does NOT remove the deed restriction.

Of course, this will most likely require the proverbial legal battle of The City of Huntington Beach vs The Residents of Huntington Beach.

Perhaps our Planning Commission and City Council will have the wisdom to avoid all of this litigation and listen to the will of the people. I hope so.

More than 5500 HB residents have signed a petition asking our city officials to respect the cultural and historic significance of the Main Street Library and Triangle Park.

NEXT UPDATE: "SAVE THE DATES"

The Planning Commission is voting on the EIR and DTSP on TUESDAY, OCTOBER 6th at 6:00 PM.

This is a Planning Commission meeting that you don't want to miss. It is going to be AWESOME!!!

Planning Commission decisions will be made in "real time" and the public will be there in force to voice their opinions.

The HBDRA is holding our second "RALLY AT TRIANGLE PARK" on Sunday, October 4th at 2:00 PM.

Everyone is invited including the press, print and broadcast. I will be speaking for about 20 minutes and giving everyone an update on the situation.

It's going to be a GREAT RALLY and I encourage you all to attend.

I am sure the Mayor and City Council will be there as well as all of our friends from City Hall.

I would like to extend a personal invitation to Mr. Steve Bone and the Board of Directors of the Marketing and Visitors Bureau.

Thanks everyone.

Kim Kramer
Spokesperson
Huntington Beach Downtown Residents Association

P.S. Your donation checks are arriving every day and are greatly appreciated.

Please make your checks (\$100 increments preferred; however all amounts gratefully accepted) payable to HBDRA Legal Fund

and mail to: 412 Olive Avenue, Suite 616, Huntington Beach, CA 92648

PLEASE DONATE. WE NEED YOUR FINANCIAL SUPPORT.

----- Original Message -----

Subject: An Open Letter to City Attorney Jennifer McGrath

Date: Sun, 13 Sep 2009 12:43:19 -0700

From: Kim Kramer <kim@e-mailcom.com>

To: Linda S. Moon <lsmoon4@verizon.net>

CC: HB TALK <hbtalk@bixby.org>, HBDRA Board of Directors <kim@e-mailcom.com>, HBDRA Residents <kim@e-mailcom.com>

References: <0KPX00IZI8ULMH1J@vms173013.mailsvcs.net>

An Open Letter to City Attorney Jennifer McGrath

cc: City Council, Planning Commissioners, HBTALK, HBDRA and other interested parties

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If you stand behind these words, then please release your existing Opinion Letter regarding the Measure C status of Triangle Park.

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November 2008, the following Cities have elected City Attorneys:
Albany, Chula Vista, Compton, Huntington Beach, Long Beach, Los Angeles,
Oakland, Redondo Beach, San Bernardino, San Diego, San Francisco and San
Rafael. In fact, the voters of the Chula Vista elected to create an
elected City Attorney as recently as November 2008. The ballot argument
supporting the Chula Vista measure stated that "An independent City
Attorney, chosen by the people, will be free to fight unethical behavior
and corruption in city government and be independent of Mayoral or City
Council influence."

hbtalk mailing list
hbtalk@bixby.org
<http://www.bixby.org/mailman/listinfo/hbtalk>

Wine, Linda

From: Richardson Gray [richardson.gray@yahoo.com]
Sent: Tuesday, September 22, 2009 4:23 PM
To: Wine, Linda
Subject: Fw: RE: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission

Dear Ms. Wine:

Please make this email one of my written public comments for the October 6th public hearing on the DTSP and its EIR. Thank you.

Richardson Gray (714-348-1928)

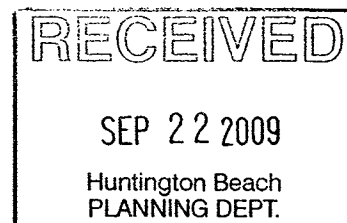
--- On Tue, 9/22/09, Richardson Gray <richardson.gray@yahoo.com> wrote:

From: Richardson Gray <richardson.gray@yahoo.com>
Subject: RE: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission
To: KFritzal@surfcity-hb.org
Date: Tuesday, September 22, 2009, 7:19 PM

Hi Again Kellee,

Since I have not heard back from you, I will forward this email to Linda Wine to make sure it is a part of the Planning Commission's package on the DTSP and EIR for October 6th. Just want to make sure I get your memo before the meeting. Thanks again.

Richardson Gray
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-318-1928
richardson.gray@yahoo.com



--- On Tue, 9/15/09, Richardson Gray <richardson.gray@yahoo.com> wrote:

From: Richardson Gray <richardson.gray@yahoo.com>
Subject: RE: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission
To: "KelleeFritzal" <KFritzal@surfcity-hb.org>
Date: Tuesday, September 15, 2009, 4:54 PM

Hi Kellee --

Thanks for the update. Do you mean this memo will be a part of the public package distributed at the Planning Commission Public Hearing for the DTSP and its EIR, which I now have heard is scheduled for Tuesday, October 6th at 6:00 PM in the Council Chambers? If not please let me know how I can get a copy of this memo? I appreciate your help.

Richardson Gray
415 Townsquare Lane #208
Huntington Beach, CA 92648

714-348-1928
richardson.gray@yahoo.com

--- On Tue, 9/15/09, Fritzal, Kellee <KFritzal@surfcity-hb.org> wrote:

From: Fritzal, Kellee <KFritzal@surfcity-hb.org>
Subject: RE: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission
To: "Richardson Gray" <richardson.gray@yahoo.com>
Cc: "Villasenor, Jennifer" <JVillasenor@surfcity-hb.org>
Date: Tuesday, September 15, 2009, 11:10 AM

The memo will be part of the packet that is being set to the Planning Commission. You will be able to receive once the Commissioners have the memo

From: Richardson Gray [mailto:richardson.gray@yahoo.com]
Sent: Wednesday, September 09, 2009 8:27 PM
To: Fritzal, Kellee
Subject: Fw: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission

.fi Again Kellee,

As I have not heard back from you for a week now, I wanted to follow up to see how I can get a copy of the referenced memo. Please let me know. Thanks.

Richardson Gray

415 Townsquare Lane #208

Huntington Beach , CA 92648

714-348-1928

richardson.gray@yahoo.com

--- On Wed, 9/2/09, Richardson Gray <richardson.gray@yahoo.com> wrote:

From: Richardson Gray <richardson.gray@yahoo.com >
Subject: Downtown Ad Hoc Committee's DTSP Recommendations in Memo to the Planning Commission
To: KFritzal@surfcity-hb.org
Date: Wednesday, September 2, 2009, 5:39 PM

Hi Kellee,

At the last Downtown Economic Development Committee meeting, you said that you were sending a memo of the Downtown Ad Hoc Committee's Downtown Specific Plan recommendations to the Planning Commission. I would like to get a copy of this memo. If you can email it to me, that's great. If not, I can come by and pick up a hard copy. Please let me know. Thanks.

Richardson Gray

415 Townsquare Lane #208

Huntington Beach , CA 92648

714-348-1928

richardson.gray@yahoo.com

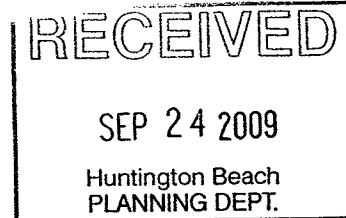
Wine, Linda

From: Punongbayan, Nova
Sent: Thursday, September 24, 2009 9:09 AM
To: Wine, Linda
Cc: Hess, Scott; Fritzel, Kellee
Subject: Fw: Downtown Specific Plan Update meeting Tues Oct 6th

From: kate@therockandrollemporium.com <kate@therockandrollemporium.com>
To: Punongbayan, Nova
Cc: Synrgy4 <Synrgy4@aol.com>
Sent: Thu Sep 24 08:25:39 2009
Subject: Downtown Specific Plan Update meeting Tues Oct 6th

Hi Nova:

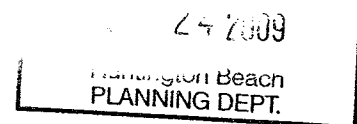
Regarding:
Date: October 6th 2009
Time: 6:00 PM
Location: City Council ChamberHB., 2000 Main
Applicant: City of HB
Request: Downtown Specific Plan Update



It's Kate Kirby from The Rock and Roll Emporium at 205 Main Street. I'm writing to express my concern that the special meeting regarding the Downtown Specific Plan was scheduled on a Tuesday night. I can only assume that you do not want attendance from downtown business owners/managers. As you should know, Tuesdays are Surf City Nights street fair and most of the businesses that are active in the community will be busy managing their businesses.

Because this plan has a direct relation to our businesses, I request that you re-schedule this meeting to a night when more of us can be present. If that can not happen, I would like it to be added to the public record that this meeting was purposely scheduled so that most of the downtown business owners/managers, whose livelihood will be directly affected by this plan, would not be able to attend resulting in an attempt to exclude any concerns (opposing or favorable) of the downtown business owners.

Regards,
Kate Kirby
Managing Partner, The Rock and Roll Emporium
205 Main Street, Huntington Beach, CA 92648
714-960-4040



ATTACHMENT NO. 14.65

RECEIVED
SEP 28 2009
Huntington Beach
PLANNING DEPT

Dear Linda,

This letter is intended to voice my strong concern about the potential future development of downtown Huntington Beach. As a resident of Orange County for close to 40 years and specifically Huntington Beach for the past 15yrs, I've seen this city grow and change exponentially. Over the years I have spent most of the weekends of my life at the beach surfing and hanging out with friends and family. I've seen many positive things occur in this city and some negatives things as well. I've come to expect the sort of reciprocation between good and bad as should others who've lived in any decent sized city during their lives. I'm writing you today to let you know that I'm not against change nor am I a proponent of change. Change as I see it typically lends itself to growth opportunities. Here is the "But" that I'm sure you've been waiting for. The issue we are facing is simply expanding a beach that is already facing overcrowding as it is. I know that other beaches are also facing this same issue, but I don't think that we should simply except our disposition and further compound the problem through expansion. I believe that there is a fine line between expanding a city for potential revenue growth and overcrowding a city to the point that it loses it's appeal. I think that we are already feeling the frustrations from over crowded surface streets, loitering, more drinking and driving, fights, vagrancy, theft etc. My impression is that these problems have been getting worse and adding more and more people to this city will only compound these issues. Please consider this as my disapproval of the idea to expand downtown HB.

Sincerely,

Eric Verkler

ATTACHMENT NO. 11.26

DOWNTOWN SPECIFIC PLAN UPDATE

Findings of Fact/
Statement of Overriding Considerations

City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

September 25, 2009

ATTACHMENT NO. 15.1

Contents

CHAPTER 1	Introduction.....	1-1
CHAPTER 2	CEQA Findings.....	2-1
2.1	Introduction.....	2-1
CHAPTER 3	Findings Regarding Project Alternatives.....	3-1
3.1	Introduction.....	3-1
3.2	Project Objectives.....	3-1
3.3	Selection of Alternatives.....	3-1
3.4	Project Alternatives Findings.....	3-22
3.4.1	Downtown Specific Pland Update Alternatives.....	3-2-4
CHAPTER 4	Statement of Overriding Considerations.....	3-5
4.1	Introduction.....	3-5
4.2	Significant Adverse Impacts.....	3-6
4.3	Findings.....	3-6
4.4	Overriding Considerations.....	3 - 7-8

Table

Table 2-1	CEQA Findings for the The Downtown Specific Plan Update.....	2-3
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ATTACHMENT NO. 152

CHAPTER 1 Introduction

This document presents the Findings of Fact and Statement of Overriding Considerations that must be adopted by the City of Huntington Beach (City) pursuant to the requirements of Sections 15091 and 15093, respectively, of the *California Environmental Quality Act* Guidelines (CEQA Guidelines) prior to the approval of the Downtown Specific Plan Update (proposed project).

This document is organized as follows:

- Chapter 1** Introduction to the Findings of Fact and Statement of Overriding Considerations.
- Chapter 2** Presents the CEQA Findings of the Environmental Impact Report (EIR), including the identified significant cumulative impact.
- Chapter 3** Presents the alternatives to the proposed project and evaluates them in relation to the findings contained in Section 15091(a)(3) of the CEQA Guidelines. The City must consider and make findings regarding alternatives when a project would involve environmental impacts that cannot be reduced to a less-than-significant level, or cannot be substantially reduced, by proposed mitigation measures.
- Chapter 4** Presents a Statement of Overriding Considerations that is required in accordance with Section 15093 of the CEQA Guidelines for significant impacts of the proposed project that cannot be mitigated to a less-than-significant level.

The following discretionary approvals by the City of Huntington Beach constitute the proposed project:

- ♦ **General Plan Amendment (GPA) No. 08-007** represents a request for the following:
 - 1) To amend the General Plan Land Use Element by amending the Land Use Map and Land Use Schedule and the Community District and Subarea Schedule and Map within the 336-acre DTSP area to reflect the reconfiguration of the existing 11 districts to seven districts and revisions to development standards, notably increases in allowable building heights and densities as well as the elimination of floor area ratio (FAR) requirements as follows:
 - To increase the allowable residential density from the currently allowed 25 – 30 dwelling units per acre (du/ac) up to a maximum 50 du/ac (with limitations based on net site area) in areas of District 1, with the exception of certain subdistrict areas.
 - To eliminate existing floor area ratio (FAR) in District 1.
 - To increase the number of stories from the currently allowed maximum ranging from two stories/30 feet – 4 stories/45 feet to a maximum of four stories/45 feet or 5 stories and 55 feet with a minimum height of 25 feet required in District 1, with the exception of certain subdistrict areas.
 - 2) To amend the General Plan Circulation Element to revise Figure CE-9: Trails and Bikeways as a result of recommendations proposed in the DTSP Update and traffic study for the project.
- ♦ **Zoning Text Amendment (ZTA) No. 08-004** represents a request for the following:
 - To update and amend the text of the existing Specific Plan No. 5 – Downtown Specific Plan.

- ♦ **Local Coastal Program Amendment (LCPA) No. 08-002** represents a request for the following:
To update and amend the text of the existing Specific Plan No. 5 – Downtown Specific Plan and the Coastal Element reflecting the changes to the Land Use and Circulation Elements in addition to clean-up items that would update the Coastal Element to reflect existing conditions and approved projects.

2.1 INTRODUCTION

This chapter presents the potential impacts that were identified in the EIR and the findings that are required in accordance with Section 15091 of the CEQA Guidelines. The possible findings for each significant and/or potentially significant adverse impacts are as follows:

- (a) Changes or alterations have been required in, or incorporated into the project which avoid, substantially lessen, or reduce the magnitude of the significant environmental effect as identified in the EIR ("Finding 1").
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency ("Finding 2").
- (c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives in the EIR ("Finding 3").

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091, subd. (a), [2] and [3]). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." (See also *Citizens of Goleta Valley v. Board of Supervisors* [Goleta II] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the above findings requirement can an agency adopt a Statement of Overriding Considerations (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727]). CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision-making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable."

The California Supreme Court has stated that, "the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents the City of Huntington Beach findings as required by CEQA, cites substantial evidence in the record in support of each of the findings, and presents an explanation to supply the

logical step between the finding and the facts in the record (State CEQA Guidelines §15091). Additional facts that support the findings are set forth in the Draft EIR, the Final EIR, staff reports to the Planning Commission, and the record of proceedings.

Table 2-1 (CEQA Findings for the Downtown Specific Plan Update) summarize the potentially significant impacts of the EIR that were reduced to less-than-significant levels with mitigation as well as the project-level and cumulative significant impacts, as currently proposed for certification and adoption of the proposed project.

Table 2-1 CEQA Findings for the Downtown Specific Plan Update

Impact Statement		Impact Summary	Findings
Aesthetics	Implementation of projects within the DTSP area will result in more development and increased building heights and residential densities resulting in an overall intensification of the area. Implementation of the project would result in additional sources of light and glare in the area.	All individual projects would be required to comply with the City's General Plan, applicable code requirements, and the development standards and guidelines of the proposed DTSP. Lighting associated with projects will be visible but is not considered significant since the DTSP area is located within an existing developed downtown area. The DTSP project itself is not considered visually offensive to viewers. Potential individual project construction activities will also be visible to viewers. Construction activities are short-term impacts and not considered a significant impact to aesthetics. The DTSP project site is not a designated scenic vista nor will it impact a designated scenic vista. Additionally, recommended DTSP Update streetscapes would not reduce any of the view corridors from any streets in the DTSP area with respect to views of the beach, the pier, and Pacific Coast Highway. Additionally, the project would not substantially damage scenic resources, including, but not limited to trees and rock outcroppings.	The City finds that the identified changes or alterations in the project, which would reduce the potential impacts described in Section 4.1.3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.1-1.
Air Quality			
Short-term Impacts	The analysis demonstrates that the project will result in a significant short-term air quality impact, specifically for NOX emissions. This is based on a "worst case" scenario of potentially 50 acres concurrently under construction with multiple projects.	The air quality assessment conducted for the project evaluated the highest level of potential impact. The assessment also considered construction activities occurring over the 20-year build-out time frame of the DTSP. Mitigation will reduce NOX emissions, but not to the point that they will fall under the SCAQMD's thresholds. Therefore, construction emissions of NOX will exceed the SCAQMD thresholds even after mitigation, and short-term air quality impacts will be significant. PM10 and PM2.5 emissions, if mitigated to the greatest extent possible, would be reduced to below significant levels.	The City finds that the identified changes or alterations in the project, which would reduce the potential impacts discussed in Section 4.2.3 to less-than-significant levels, are hereby incorporated into the project.
Long-term Impacts	The long-term regional air quality impacts due to the proposed project (primarily due to increased vehicle trips) with the recommended mitigation measures will be reduced to some extent. However, ROG and PM10 emissions would continue to exceed SCAQMD thresholds and be considered significant and unavoidable.	GHG emissions are a significant global, national, state, and local factor contributing to climate change. Therefore, the GHG report prepared by Mestre Greve Associates identified potential conditions of approval several of which are included in the identified mitigation measures. These measures are from CARB Staff Proposal's Potential Performance Standards and Measures. No significant impacts to GHG are anticipated as a result of the proposed DTSP. The long-term regional air quality impacts due to the proposed project (primarily due to increased vehicle trips) with the recommended measures above will be reduced to some extent. However, the ROG and PM10 emissions would continue to exceed the SCAQMD thresholds and be considered significant and unavoidable. Analysis demonstrates that NOx emissions during construction will exceed the SCAQMD thresholds, even after mitigation is applied. Therefore, short-term air quality impacts will be significant and unavoidable. Analysis shows that ROG and PM10 emissions will continue to exceed the SCAQMD thresholds and be considered significant and unavoidable cumulative impacts. All other impact criteria would have a level of less than significant for cumulative impacts.	The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, some short-term construction and long-term operational emissions would continue to exceed established thresholds. No additional mitigation measures are technically feasible beyond the implementation of mitigation measures MM4.2-1 through MM4.2-12.

Table 2-1 CEQA Findings for the Downtown Specific Plan Update

Impact Statement		Impact Summary	Findings
Biological Resources			
Although impacts to biological resources were found to be less than significant and a separate analysis for impacts on biological resources is not required for the DTSP Update, a standard mitigation measure was identified through the Initial Study/NOP process for the protection of wildlife species under the Migratory Bird Treaty Act (MBTA).	The mitigation measure, which is an existing requirement of development projects that may potentially impact sensitive species, is included in this EIR for incorporation into future development projects, as applicable.		The City finds that the identified changes or alterations in the project, which would reduce potential biological impacts to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.14-1.
Cultural Resources			
Impacts on historical resources are considered potentially significant since development may be proposed that could impact historical buildings and historical resources within the Downtown Specific Plan Update area. It is not anticipated that impacts to archeological and paleontological resources would occur as a result of the DTSP Update since previously discovered archeological sites no longer exist and the entire project area is represents a generally disturbed area.	Development will be reviewed individually to determine potential impacts on historical resources. No archeological or paleontological resources were identified in a literature search covering the DTSP area. Human remains were discovered on the Pacific City site, and a mitigation measure is proposed to establish a protocol if human remains are discovered on other DTSP sites. Implementation of the mitigation measures would potentially lessen the impact from development on cultural resources by requiring professional expertise for recommendations on preservation or salvation of historical or cultural resources in the event projects are proposed on potentially historic structures/sites. However, because it is currently infeasible to determine if specific development proposals under the DTSP would result in demolition or removal of cultural resources, the DTSP Update's cumulative effects could be cumulatively considerable. Therefore, the projects impacts to cultural/historical resources would be would be considered significant and unavoidable for both the project and cumulative level.		The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, potential remains for cumulative impacts to cultural resources, as discussed in Section 4.4.3. No additional mitigation measures are technically feasible in addition to the implementation of mitigation measures MM4.3-1 through MM4.3-3.
Geology and Soils			
Impacts in geology and soils are related to the geological activity within the DTSP area, such as earthquakes, soil conditions, and water table issues.	Because the DTSP Update will allow new construction in the DTSP area, new buildings will need to be outfitted with building measures and techniques designed to shore up the structures to withstand geological forces that may come to bear on them. It is likely that some of the projects that will be proposed in the DTSP Update will include subterranean parking, like several of the projects that have been constructed (or are under construction) in the area. Because of the shallow depth of groundwater, dewatering activities in the DTSP area could be needed during construction of any subterranean levels, such as for parking. Enforcement of the building code and all applicable standards will be essential to covering the potential impacts associated with new development in the downtown area.		The City finds that the identified changes or alterations in the project, which would reduce the potential impacts discussed in Section 4.4.3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.4-1 and mitigation measure MM4.4-1.

ATTACHMENT NO. 15.8

Table 2-1 CEQA Findings for the Downtown Specific Plan Update

Impact Statement	Impact Summary	Findings
<p>Hazards</p> <p>Impacts in the hazards and hazardous materials area would occur if hazardous materials are encountered during demolition of existing structures or if these materials are utilized during construction or in operations following construction, including cleaning agents, solvents and other routine materials used in certain commercial or restaurant activities.</p>	<p>The City of Huntington Beach shall require a Phase One assessment on properties within the Downtown Specific Plan area, including properties utilized for oil production activities, proposed for development to assure that any hazardous materials/contaminated soils present on the property are identified and remediated in accordance with City specifications 422, 429 and 431-92. All native and imported soils associated with a project shall meet the standards outlined in City Specification No. 431-92 prior to approval of grading and building plans by the Huntington Beach Fire Department. Additionally, all work at a project site shall comply with the City's Public Works Department requirements (e.g., haul route permits). All impacts in this area will be reduced to a level of less than significant with implementation of the mitigation measures. In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the project area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that 1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post development and 2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p>	<p>The City finds that the identified changes or alterations in the project, which would reduce the potential impacts discussed in Section 4.5.3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.5.1 and MM4.5.2.</p>
<p>Hydrology and Water Quality</p> <p>Construction of individual projects will most likely alter the existing drainage pattern of the sites and immediate area by providing impervious surface (e.g., buildings, concrete, and asphalt).</p>	<p>All on-site surface water will be conveyed to a drainage system that includes catch basin filters. With compliance with applicable measures of the Drainage Area Management Plan and City regulations and procedures, the project will not result in any significant substantial erosion or siltation on- or off-site. The proposed DTSP does not include any water wells and no on-site groundwater would be used.</p> <p>Individual projects that may be constructed per the DTSP will result in short-term and long-term impacts to water quality. Short-term impacts will occur as a result of construction and project grading activities and are not considered significant. Long-term impacts will occur as a result of increased usage of the site by vehicles and people. These impacts can be reduced by procedures that protect the quality of storm water runoff. Water quality implementation of the individual projects will include compliance with the adopted Drainage Area Management Plan</p>	<p>The City finds that the identified changes or alterations in the project, which would reduce the potential impacts described in Section 4.6.3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.6-1 through MM4.6-5.</p>

ATTACHMENT NO. 15.9